

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
BLOOMBERG, L.P.,  
CONTINENTAL AIRLINES, INC.,  
UNITED PARCEL SERVICE, INC.,  
DELL, INC.,

Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

**JOINT MOTION OF PLAINTIFF EMG TECHNOLOGY, LLC AND DEFENDANT  
CONTINENTAL AIRLINES, INC. FOR DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and confidential agreement between Plaintiff EMG Technology, LLC (“EMG”) and Defendant Continental Airlines, Inc. (“Continental”), EMG and Continental hereby jointly move the Court to dismiss with prejudice all claims and counterclaims between them in this case. EMG and Continental agree that each party shall bear their own fees and expenses.

DATED: September 23, 2009

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Respectfully submitted,

By: /s/ Charles Ainsworth

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**ATTORNEYS FOR PLAINTIFF  
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By: /s/ Robert J. McAughan, Jr. with permission by  
Charles Ainsworth

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 23rd day of September, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

Charles Ainsworth

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